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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,509

07/24/2003

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GP-302542

1969

7590

09/13/2006

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EXAMINER

DUNN, DAVID R

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/626,509		SHABANA ET AL.	
	Examiner		Art Unit	
	David Dunn		3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,13,14 and 19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4,15-18 and 21 is/are allowed.
- 6) ☒ Claim(s) 7-12 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to the amendment filed July 10, 2006.

Claims 5, 6, 13, 14, and 19 remain withdrawn.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, 8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bortolon (US 6,364,047) in view of Smythe (US 6,431,304).

Bortolon discloses an adjustable pedal assembly including a track arrangement (20, 22; see Figures 2 & 4) in the vehicle floorboard (32; see Figure 3), one or more foot pedals (12, 14) movably mounted in the track arrangement for positioning the pedals with respect to the vehicle longitudinally (see column 2, lines 6-18). Bortolon shows a base (20, 22) which is movable in the track portion, a post connected to the base and movable upward and downward (in a slanted direction, i.e., the post connected to the pedal, see Figure 3), and a beam (14) pivotally supported with respect to the base.

Bortolon fails to show the seat having multiple driving locations or the pedals being positionable transversely.

Smythe teaches a pedal adjustment arrangement comprising a track arrangement (see Figure 3) extending in three axis including a transverse track (along 70). Regarding claims 4 and 7, Smythe teaches a by-wire (63; see also column 21, lines 9-12) assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bortolon with the teachings of Smythe to provide a transverse track arrangement such that the pedals could also be adjusted in a transverse direction in order to provide greater comfort for different drivers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bortolon with the teachings of Smythe to provide a by-wire drive system to operate the drive and braking systems in order to provide an improved and more sensitive operation of the vehicle.

Additionally, the examiner takes Official Notice that adjustable seats with multiple driving locations are old and well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the seat of Bortolon with an adjustable arrangement in order to allow different sized drivers to better position themselves with respect to the steering wheel and dashboard.

3. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon (US 4,683,977) in view of Bortolon.

Salmon discloses a by-wire (54) foot pedal system wherein the pedal is removably mounted in a vehicle floor area for reconfiguration of the driving position (by frame 18; the different attachment points are different driving positions), wherein the vehicle includes a plurality of driver interface points (27) at which the foot pedal is connectable (see column 2, lines 15-23). Regarding claim 7, the frame 26 is the guide member.

Salmon does not clearly show the pedal mounting in a vehicle floorboard.

Bortolon, as discussed above, shows an adjustable pedal mounting in a vehicle floorboard.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Salmon with the teachings of Bortolon to provide the adjustable pedal assembly of Salmon in a recess floorboard area as taught by Bortolon in order to provide the assembly in a secure location that would not be disturbed during normal vehicle operation.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bortolon (US 6,364,047) in view of Smythe (US 6,431,304) and in further view of Chae (US 5,398,570).

The combination of Bortolon and Smythe is discussed above and fails to show the pedal being expandable.

Chae teaches a pedal which is expandable to increase the surface area (see arms 40; Figure 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Bortolon and Smythe with the teachings of Chae to provide an expandable pedal in order to provide a wider surface area for use as desired by the driver.

Allowable Subject Matter

5. Claims 1, 4, 15-18, and 21 are allowed.

Response to Arguments

6. Applicant's arguments filed July 10, 2006 have been fully considered but they are not persuasive.

On page 8, Applicant argues that neither Bortolon nor Smythe show the pedal system “in” a vehicle floorboard. In response, it is maintained that the pedal system of Bortolon is “variable positionalbe in said floorboard” as shown in Figure 3; note the floorboard 32 which has a lowered area at bend 34. This is considered “in” the floorboard.

On page 9, Applicant argues that Salmon never mentions a “vehicle floorboard” nor different “locations” regarding claims 9-11. In response, it is submitted that the points 27 provide the different “locations” for the foot pedals. It is also submitted that as discussed above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Salmon with the teachings of Bortolon to provide the adjustable pedal assembly of Salmon in a recess floorboard area as taught by Bortolon in order to provide the assembly in a secure location that would not be disturbed during normal vehicle operation.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

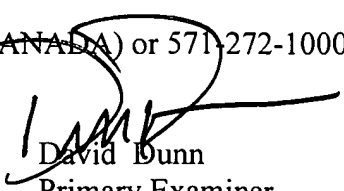
Art Unit: 3616

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Dunn
Primary Examiner
Art Unit 3616